IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.7021 OF 2005

Anand Bhauso Naik...Petitioner

Versus

State of Maharashtra & Ors....Respondents

Mr. M.S. Topkar, for the petitioner.
Mr. R.D. Rane, G.P. for Respondents 1 and 3.
Mr. S.S. Patwardhan, for Respondent No.2.

**CORAM: F.I. REBELLO &**
**DR. D.Y.CHANDRACHUD, JJ.**
**DATE :** 13th January,2006

P.C.:

. Rule. Heard forthwith. Notice has been issued to respondent No.4, but he is not present. However, in view of the nature of the order to be passed notice on respondent No.4 dispensed with.

2. It is the case of the petitioner that he is the senior most teacher having been appointed on 1st July, 1987 and considering Rule 13 of the M.E.P.S. Rules the senior most teacher should have been appointed as the Incharge Head Master considering that an Appeal filed by one Lokhande is pending.

3. The petitioner has annexed the seniority list. From the seniority list at Exhibit "A" to the petition the respondent No.4 appears to be junior to the petitioner having been appointed on 14th June, 1990. Considering this controversy and the Rules, in our opinion the ends of justice

would be met if the respondent No.3 is called upon to resolve the controversy after hearing the petitioner, respondent No.4 as also the respondent No.2 and then pass appropriate direction as to the appointment of Incharge Head Master in the School run by the respondent No.2. The entire exercise to be completed within one month on a copy of this order being served on Respondent No.3. Rule made partly absolute accordingly. No order as to costs.

**(F.I. REBELLO, J.)**

**(DR. D.Y.CHANDRACHUD, J.)**